

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14407, of Richard and Jennifer Schifter, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Paragraph 7105.12) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12) to construct a two story rear addition to a single family residence, a nonconforming structure, in an R-1-B District at premises 3465 Macomb Street, N.W., (Square 2078, Lot 37).

HEARING DATE: March 19, 1986
DECISION DATE: March 19, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The property is located on the northeast corner of the intersection of 35th and Macomb Streets, N.W. It is in an R-1-B District at premises known as 3465 Macomb Street, N.W.
2. The site is rectangular in shape with a frontage of 45 feet along Macomb Street and 95.50 feet along 35th Street.
3. The site is improved with a three-story single family detached dwelling built in 1914. On May 12, 1958, the date that the current Zoning Regulations became effective the site became non-conforming as to the lot area and lot occupancy requirements.
4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicants are seeking variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Paragraph 7105.12) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7105.12) to construct a two-story addition to the rear of the house replacing an existing two-story porch which is in poor condition.
5. The site is approximately 4,297.5 square feet in area. Under the current Zoning Regulations, the minimum lot area required in a R-1-B District is 5,000 square feet.
6. The structure currently occupies 1,744.02 square feet of the lot. Sub-section 3303.1 of the Zoning

Regulations allows a maximum of 40 percent occupancy of the lot, or in this case, 1,719 square feet.

7. The proposed addition would add 268.85 square feet to the lot occupancy necessitating a variance of 293.87 square feet.

8. The existing kitchen is too small for the applicants' large family. Approval of the application will enable them to construct a separate breakfast room adjacent to the existing kitchen and an adjoining family room at a lower level with better access to the rear yard. Unlike the present structure, the addition will provide safe access to the backyard for the Schifters' four children, who range in age from 18 months to 10 years.

9. The addition will hardly be more visible than the existing structure on the lot. It is recessed from the property lines. Because of the lot's location at an intersection, the public space along two street frontages makes the front inside yards appear larger than they actually are.

10. Instead of seeking a variance, the applicants could, consistent with the Zoning Regulations, remove the existing front porch and place the addition on the rear of the house without increasing the present lot occupancy. Such a modification, however, would be inconsistent with the style of houses in the neighborhood.

11. The house, with the addition, will appear to be similar to and consistent with other houses in the neighborhood. Many of the residents in the area have built additions to their homes in a similar fashion. This is evidenced by the many photos submitted to the record.

12. Advisory Neighborhood Commission 3C did not file a written report on the application.

13. Letters from neighboring property owners were submitted in support of the application on the grounds that the addition would cause no substantial detriment to the neighborhood. It would be in conformance with other houses in the neighborhood that have similar additions.

14. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty inherent in the site upon the owner arising out of some

unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.


The Board concludes that the applicants have met the burden of proof. The practical difficulty is inherent in the site. The subject lot is a nonconforming lot. Its lot size of 4,297.5 square feet does not meet the minimum 5,000 square feet lot size now required. The structure occupies more than the maximum 40 percent lot occupancy allowed. The Board notes that the addition will be unobstrusive to neighboring properties.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that this application is hereby GRANTED SUBJECT to the CONDITION that construction be in accordance with plans marked as Exhibit No. 9 of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, John G. Parsons and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JUL 3 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.